

AMENDMENT UNDER 37 C.F.R. §1.116  
 EXPEDITED PROCEDURE  
 GROUP ART UNIT 1633

RECEIVED

FILE

JAN 22 2003

Docket No. 0575/54202/JPW/ALB

TECH CENTER 1600/2900

In re application of: David M. Stern, et al.

Serial No.: CPA of 08/997,464

Examiner: Jon Eric Angell

Filed: June 8, 2001

Group Art Unit: 1633

For: A METHOD FOR EVALUATING THE ABILITY OF A COMPOUND TO INHIBIT NEUROTOXICITY

HONORABLE ASSISTANT COMMISSIONER FOR PATENTS  
 Washington, D.C. 20231

December 4, 2002

S I R:

Transmitted herewith is an amendment to the above-identified application.

☒ Small entity status of this application under 37 C.F.R. § 1.9 and § 1.27 has been established by a verified statement previously submitted.

☐ a verified statement to establish small entity status under 37 C.F.R. § 1.9 and § 1.27 is enclosed.

☐ No additional fee is required.

The filing fee is calculated as follows:

	NUMBER AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR		NUMBER OF EXTRA CLAIMS PRESENTED		RATE		FEE	
							SMALL ENTITY	OTHER ENTITY	SMALL ENTITY	OTHER ENTITY
Total Claims	7	-	* 33	-	***	x	\$9.00	\$18.00	=	\$0
Independent Claims	1	-	** 4	-	***	x	\$42.00	\$84.00	=	\$0
Multiple Dependent Claims(s) Presented <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No							\$140.00	\$280.00		\$0
For First Time:							TOTAL ADDITIONAL \$ 0 FEE			

\*If the "HIGHEST NUMBER PREVIOUSLY PAID FOR" is less than 20, write "20" in this space.

\*\*If the "HIGHEST NUMBER PREVIOUSLY PAID FOR" is less than 3, write "3" in this space.

\*\*\*If the difference between the "NUMBER AFTER AMENDMENT" and "HIGHEST NUMBER PREVIOUSLY PAID FOR" is less than 3, write "3" in this space.

Applicants: David M. Ste et al.  
Serial No.: CPA of 08/997,464  
Filed: June 8, 2001

Amendment Transmittal Letter  
Page 2

The "HIGHEST NUMBER PREVIOUSLY PAID FOR" (Total or Independent) is the highest of the "NUMBER AFTER AMENDMENT" in any prior amendment or the number of claims as originally filed.

\_\_\_\_\_ Please charge Deposit Account No. \_\_\_\_\_  
in the amount of \$ \_\_\_\_\_.

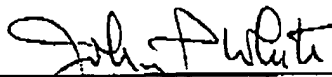
X A check in the amount of \$ 460.00 is enclosed.  
for a three-month extension of time

X The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 03-3125. Three copies of this sheet are enclosed.


X Any filing fees under 37 C.F.R. §1.16 for the presentation of extra claims.

X Any patent application processing fees under 37 C.F.R. §1.17.

Respectfully submitted,



John P. White  
Registration No. 28,678  
Attorney for Applicants  
Cooper & Dunham LLP  
1185 Avenue of the Americas  
New York, New York 10036  
(212) 278-0400

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Honorable Assistant Commissioner for Patents, Washington, D.C. 20231.	
 John P. White Reg. No. 28,678	<u>12/4/02</u> Date

## COOPER &amp; DUNHAM LLP

ATTORNEYS AT LAW

1185 AVENUE OF THE AMERICAS, NEW YORK, NEW YORK 10036

TELEPHONE: (212) 278-0400

OFFICIAL

FACSIMILE: (212) 391-0525  
(212) 391-0526  
(212) 391-0630

FAX RECEIVED

JAN 22 2003

GROUP 1600

OF COUNSEL  
JOHN R. GARBER  
MARK A. FARLEYSCIENTIFIC ADVISORS  
BRIAN J. AMOS, PH.D.  
WILFRED W. HOLNESS, PH.D.  
NICHOLAS F. MUTO, PH.D.  
JOSEPH B. CRYSTAL, PH.D.  
ARMAND L. BALBONI, M. PHIL.  
MURIEL M. LIBERTO, PH.D.FOUNDED 1887  
www.cooperdunham.comCHRISTOPHER C. DUNHAM  
NORMAN H. ZIVIN  
JOHN P. WHITE  
WILLIAM E. PELTON  
ROBERT D. KATZ  
PETER J. PHILLIPS  
WENDY E. MILLER  
ROBERT T. MALDONADO  
ERIC D. KIRSCH  
ALAN J. MORRISON  
GARY J. GERSHIK  
MICHAEL F. MORANO  
FRANK A. BRUNO  
JASON S. MARIN  
KEITH J. BARKAUS  
HARVEY AGOSTO  
ANTHONY V. FINT\*IVAN S. KAVRUKOV  
PETER D. MURRAY  
JAY H. MAIOLI  
ROBERT B. G. HOROWITZ  
DONALD S. DOWDEN  
DONNA A. TOBIN  
RICHARD S. MILNER  
RICHARD F. JAWORSKI  
PAUL TENG  
PEDRO C. FERNANDEZ  
TODD W. EVANS  
ALAN D. MILLER  
CHRISTINE S. NICKLES  
SPYROS S. LOUKAKOS\*  
MARIA V. MARUCCI  
DEEPRO R. MUKERJEE\*

\* NEW YORK STATE BAR ADMISSION PENDING

FACSIMILE TRANSMISSION

PLEASE DELIVER THE FOLLOWING PAGES

TO : Examiner J. Eric AngellCOMPANY/FIRM : U.S. Patent and Trademark OfficeFACSIMILE NO. : (703) 746-7182FROM : John P. White Esq./Armand L. Balboni

TOTAL NUMBER OF PAGES, INCLUDING COVER PAGE: \_\_\_\_\_

DATE : 01/22/03

TIME: \_\_\_\_\_

Docket No. : 0575/54202U.S. Serial No. 08/997,464

IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL BACK AS SOON AS POSSIBLE TO (212) 278-0400.

MESSAGE: Copy of Notice of Appeal and Amendment as filed 12/04/02.

=====

THE INFORMATION CONTAINED IN THIS FACSIMILE TRANSMISSION IS INTENDED SOLELY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENT(S) NAMED ABOVE. THIS TRANSMISSION MAY BE AN ATTORNEY-CLIENT COMMUNICATION CONTAINING INFORMATION THAT IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT A DESIGNATED RECIPIENT OR AN AGENT RESPONSIBLE FOR DELIVERING IT TO A DESIGNATED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISTRIBUTION, OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, OR IF UPON READING THIS DOCUMENT YOU HAVE REASON TO BELIEVE THAT THE DOCUMENT WAS INADVERTENTLY SENT TO YOU, PLEASE NOTIFY US IMMEDIATELY BY COLLECT TELEPHONE CALL AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

Applicant David M. Stern et al.Client Columbia (0575) File No. 54202 JRW/ALBDate December 4, 2002

Kindly acknowledge receipt of the accompanying

NOTICE OF APPEAL in connection with David M. Stern et al.,  
entitled A METHOD FOR EVALUATING THE ABILITY OF A COMPOUND  
TO INHIBIT NEUROTOXICITY, CPA of U.S. Serial No.  
08/997,464, filed June 8, 2001, including a check in th  
amount of \$160.00 and a certificate of Mailing dated  
December 4, 2002.

DATE DUE DECEMBER 4, 2002

by placing your receiving date stamp hereon and returning to us.

all- personal check  
in amount of 160.00  
#301